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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 EDWARD ALVARADO, et al., No. C 04-00098 SI
9 Plaintiffs,
10 v.
11 FEDEX CORPORATION,
12 Defendant.

**ORDER RE: DEFENDANT'S MOTION
TO QUASH SUBPOENAS AND MOTION
TO EXCLUDE WITNESSES LISTED ON
PLAINTIFF'S NOVEMBER 3, 2006
WITNESS LIST**

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14 The Court has received defendant's motion to quash subpoenas and motion to exclude certain
15 witnesses from plaintiff Pernell Evans' revised witness list. (Docket Nos. 625, 627). On November 7,
16 2006, plaintiff filed oppositions which are largely devoid of specific information or argument. The
17 Court has reviewed the parties' papers and the revised witness list, and makes the following general
18 rulings.

19 First, the Court GRANTS defendant's motion to quash the subpoena as to the witness
20 not listed on plaintiff's revised list, "Mike Kaufman" or "Mike Coffman."¹ Second, the Court GRANTS
21 defendant's motion to quash the subpoenas for witnesses Eddie Thomas, Salvadore Martinez, Steve Soo
22 Hoo, Tim Soo Hoo, Gerald Pacheco, Daniel Lias, and Mireya Pachevo. Although plaintiff now asserts
23 that these witnesses will be used "solely for impeachment," this is at odds with the descriptions of these
24 witnesses' testimony in plaintiff's revised witness list. This ruling is without prejudice to
25 reconsideration during trial subject to an offer of proof as to their impeachment/rebuttal testimony.

26 Finally, the Court will exclude any witnesses who were not fairly disclosed to FedEx during the

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28 ¹ Accordingly, the Court does not consider plaintiff's contention that plaintiff has "substantial
need" for Mr. Coffman's testimony.

1 pretrial phases of this litigation. Plaintiff contends that at his deposition he testified about Randy Gin,
2 Mike Kelly, Tanda Brown, Jazmin Evans and Marvin Hancock.² Plaintiff shall file a supplemental
3 response to defendant's motions by **4:00 p.m. on Wednesday, November 8, 2006.** Plaintiff's
4 supplemental papers shall specifically address how Evans' deposition testimony provided notice of the
5 proposed trial testimony, and shall attach copies of relevant portions of Evans' deposition testimony.
6 In addition, for any witness whom plaintiff contends was properly disclosed, plaintiff shall also address
7 how that witness' testimony is relevant to plaintiff's remaining retaliation claims.

8 After review of plaintiff's supplemental papers, the Court shall schedule a hearing if necessary.

9 **IT IS SO ORDERED.**

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11 Dated: November 8, 2006



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13 SUSAN ILLSTON
14 United States District Judge
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For the Northern District of California

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28 ² Plaintiff's opposition did not address "Tim Johns" or "Tim Jones." If plaintiff intends to call
this witness at trial, plaintiff's supplemental papers must specifically address this witness.